HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C) No.844/2007

APPELLANTS OWNERS

1. Sandeep Tomer, Son of Late Satyaveer Singh Tomer, aged about 21 years;

2. Sumeet Tomer, Son of Late Satyaveer Singh Tomer, aged about 18 years;
Both are residents of C-3/146, Janakpuri, New Delhi (U.P). Registered owner of Tractor No. U.P. 12/7519.

versus

RESPONDENTS

1. Sumitra Bai Wife of Siyaram Sahu, aged 44 years;

2. Dropti Bai D/o Siyaram Sahu, aged about 16 years;

3. Sukriti Bai, D/o Siyaram Sahu, aged 18 years,

All residents of Village Salhekapa, Police Station Kota, District Bilaspur (C.G.)
(Claimants)

4. Rajkumar @ Raju Dubey son of N.P. Dubey, aged about 35 years, Resident of Mankadika Ghat, Qr. No. 10/203, Police Station Chowk, Varanasi, District Banaras (U.P.) Presently residing at Kota, Police Station and Tahsil Kota, District Bilaspur (C.G.)
Driver of Tractor No. U.P. 12/7519.

5. The Oriental Insurance Company Limited, Through: Branch Manager, 9 Community Centre Mayapur, Phase-1, Through: Divisional Manager, Oriental Insurance Company Limited, In front of High Court Bilaspur (C.G.)
(Insurer)

Memo of Appeal under Section 173 (2) of the Motor Vehicles Act, 1988

Present : Shri Malay Kumar Bhaduri, counsel for the appellants.
Shri Abhishek Sinha, Counsel with Shri Ghanshyam Patel, counsel for the respondent No.5/insurer.

ORAL ORDER
(Passed on 09th October, 2007)

Heard finally.

2. This appeal arises out of an award dated 27-02-2007 passed by the VIIIth Motor Accidents Claims Tribunal (F.T.C.), Bilaspur in Claim Case No. 39/2006 granting compensation of Rs.2,62,400/- in death case.

3. It is not disputed that the Tractor trolley in which the deceased was travelling was not insured. Liability was fastened on the owners/appellants while exonerating the Insurance Company.

4. During course of arguments, learned counsel for the appellants did not point out any illegality or infirmity in the impugned award/judgment.

5. Accordingly, the appeal being devoid of merit is dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr